

(Rev. 5/0-)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(1) THOMAS A. WILCOX
(Name of Plaintiff)

449725
(Inmate Number)

1181 PADDOCK RD. SMYRNA DEL.
(Complete Address with zip code)

(2)
(Name of Plaintiff)

(Inmate Number)

07-739

(Case Number)
(to be assigned by U.S. District Court)

1181 PADDOCK ROAD SMYRNA DELAWARE 19977
(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

VS

CIVIL COMPLAINT

(1) STATE OF DEL., THOUGH IT'S AGENTS ET AL.

(2) LT. CHERYL MORRIS AND SUPERVISORS

Jury Trial Requested

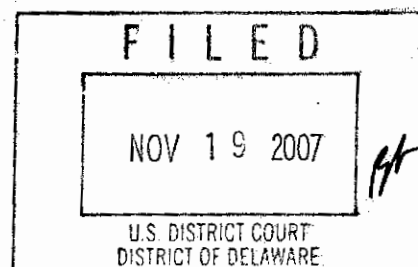
(3) PERSONS UNKNOWN TO BE NAMED LATER
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

NONE



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No

C. If your answer to "B" is Yes:

1. What steps did you take? GRIEVANCE FILED 9/14/2007 NO APPEAL TO BE AVAILABLE CONTACTED CHIEF OF PRISONS BUT TO NO AVAIL

2. What was the result? GRIEVANCE OFFICER SAID NOTHING COULD BE DONE ABOUT INVESTIGATION AND RESTITUTION --CHIEF OF PRISONS NEVER RESPONDED. LETTER TO KITCHEN WAS IGNORED. SHOWING DELIBERATE INDIFFERENCE FOR INMATE'S HEALTH AND SAFETY.

D. If your answer to "B" is No, explain why not:

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: STATE OF DEL. THROUGH ITS AGENTS ET AL..

Employed as N/A at N/A

Mailing address with zip code: 1181 PADDOCK ROAD SMYRNA DELAWARE 19977

(2) Name of second defendant: LT CHERLY MORRIS

Employed as SUPERVISOR OF KITCHEN at DELAWARE PRISON

Mailing address with zip code: 1181 PADDOCK ROAD SMYRNA DEALAWARE 19977

(3) Name of third defendant: PERSONS UNKNOWN TO BE NAMED LATER

Employed as N/A at DELAWARE CORRECTIONAL SMYRNA DELAWARE

Mailing address with zip code: 19977

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

PERSONS UNKNOWN TO BE RESPONSIBLE TO BE NAMED LATER

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. ON 9/5/2007 I WAS TAKEN TO THE INFIRMARY FOR FOOD POISONING AND WAS TRANSPORTED TO THE HOSPITAL TO HAVE MY STOMACH PUMPED. ON 9/9TH THE BLOOD TEST SHOWED THAT IT WAS BLOOD POISONING. THE NURSE AT THE INFIRMARY RELATED TO ME THAT THERE HAS BEEN A LOT OF THIS HAPPENING LATELY; AND INDICATION WERE IT WAS FROM THE KITCHEN. I DO NOT HAVE ANY MONEY, AS YOU CAN SEE FROM MY STATEMENTS FROM THE PRISON, AND DO NOT EAT ANYTHING EXCEPT FOOD FROM THE PRISON CHOW HALL. INMATES IN MY BUILDING TELL ME THAT THEY WORK AT HANDING OUT AND PREPING FOOD AFTER THEY HANDLE TRASH AND CHEMICALS IN THE TRASH ROOM PER OFFICER BAYSINGER AND HAVE DONE IT DAY AFTER DAY. SHOWING DELIBERATE DISREGARD FOR INMATE HEALTH AND SAFETY. LT MORRIS IS THE KITCHEN SUPERVISOR AND IS RESPONSIBLE FOR FOOD SAFETY, ALONG WITH ANY OTHER OFFICERS AND SUPERVISORS EMPLOYED IN THAT CAPACITY.
2. UPON MY RETURN FROM THE OUTSIDE HOSPITAL I HAVE NOT RECEIVED ANY FOLLOW UP TREATMENT AND HAVE PUT IN MEDICAL SLIPS TO BE SEEN BUT NOTHING HAS BEEN DONE TO EASE MY STOMACH PAIN AND RAPID WEIGHT LOSS; NOW AT 30 POUNDS. I'VE ASKED FOR SOME SOFTER FOOD TO EAT TO BE EASY ON MY STOMACH BUT AGAIN TO NO AVAIL. THE MEDICAL STAFF SAID THAT THE KITCHEN WOULD HAVE TO APPROVE THAT AND HAVEN'T.
3. DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF PRISONERS VIOLATES DUE PROCESS CLAUSE, AS IT RESULTS IN DEPRIVATION OF LIFE ITSELF; AND IS ACTIONABLE UNDER FEDERAL CIVIL RIGHTS STATUTE, 42 U.S.C.A. 1983.

V. **RELIEF**

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. FOOD POISONING IS A SERIOUS MATTER AND THERE ARE PROCEDURES PUT IN PLACE TO INSURE THE SAFETY OF INMATES. WHEN THOSE PROCEDURES ARE NOT FOLLOWED AND HUMAN BEINGS ARE SICK BECAUSE OF THOSE FAILURES SOMEONE MUST BE HELD ACCOUNTABLE. PLAINTIFF IS ASKING THIS COURT FOR A JURY TRIAL TO DECIDE THE GUILTY PARTY AND THE COMPENSATION FROM THIS CARELESS ACT TO INSURE FUTURE COMPLIANCE AND PUNISH THOSE WHO HAVE LOW ESTEEM FROM THE HUMAN BEING THEY ARE SUPPOSE TO PROTECT. I WANT SOMEONE TO HAVE A SPECIALIST EXAMINE ME TO MAKE SURE NO PERMANENT DAMAGE WAS DONE TO MY HEART, KIDNEYS OR ANY OTHER PART OF MY BODY AND IF SO COMPENSATION FOR THOSE INJURIES. IF TREATMENT FOR THOSE INJURIES IS NEEDED THE GUILTY PARTY PAY FOR THAT NEEDED TREATMENT. I BELIEVE THAT MENTALLY I NEED TO TALK TO A PROFESSIONAL TO HELP ME GET BACK ON TRACK SEEING NOW I CAN'T EVEN LOOK AT FOOD WITHOUT BEING SICK.

2.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of Nov, 2007.

Thomas A. Wilcock Jr
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

IM THOMAS X
SBI# 449725 UNIT D/W

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1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Post Mail

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